

MEMO ENDORSED

September 30, 2008

Honorable Kimba Wood
Chief U.S. District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1610
New York, NY 1007-1312

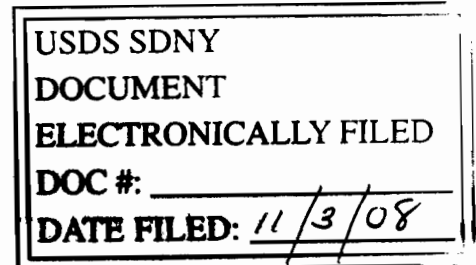
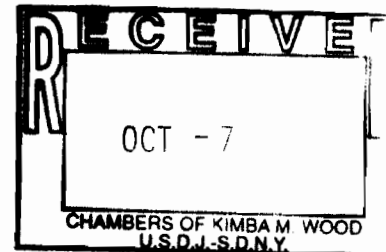
Re: Case 1:04-cr-00343-KMW

Dear Judge Wood,

I am writing to petition the court to reconsider the monthly amount of my restitution order. Probation advised me that based on the Presentencing Report; my monthly restitution payment will be 10% of my salary. Based on the current financial environment, I am requesting that the monthly restitution payment be reduced for the period of one year to an amount I can pay. Based on my family's living expenses, I can afford to pay \$300 per month. I understand that restitution is designed to deter future misconduct, but I can assure you that the livelihood of my family is a significant deterrent. We have never lived above our means and will be in debt the rest of our lives. As per your ruling during my sentencing on July 17th, 2007, I understand that the restitution paid by my co-defendants would be taken off the amount of my restitution effectively decreasing my total restitution. I am not certain what actions I need to take to find out if this has indeed been done or if a portion of the amount has been paid.

There are many factors and unforeseen expenses that I request to be taken into account. My son has entered college this year and although he received several scholarships, we still must pay a significant portion of his bills out of pocket. After this week's financial crisis, it may be difficult for us to obtain student loans. My son also suffers from Type 1 Juvenile Diabetes, which as you may know is a chronic disease and the cost of diabetic supplies and insulin is significant. I do not feel that my son should have to suffer for my issues.

My salary has been reduced while I was incarcerated and my wife had to borrow against her house for my legal bills, halfway house subsistence and to make ends meet. Due to the fact we live in a coastal community our home hazard insurance was canceled and we had to purchase a policy almost triple the normal cost. The current real estate market has caused the value of my wife's home to drop considerably, yet property/school taxes have risen. My wife commutes to work in White Plains and the cost of gas has taken its toll. In this job market and due to the nature of her job it would be extremely difficult for her to change jobs.



My credit is ruined because I made the mistake of putting my sister's house in my name since she could not qualify for a mortgage. Mismanagement on her part has resulted in the house going into foreclosure, thus my credit has been compromised.

My wife and I work hard and we understand the principles of restitution; however, we are simply requesting a period of relief so that we may get back on our feet and have the means to meet all of our financial obligations. This current economic situation may inadvertently affect my wife's employment, as she is civil service, so uncertainty is prevalent in our lives.

I respectfully ask your consideration in the matter.

Respectfully Yours,



Joseph Delio
872 Beach St.
Lindenhurst, NY 11757

The Court has discussed this request with Probation Officer Edward Kanaley, who has carefully reviewed defendant's expenses. P.O. Kanaley believes defendant has many expenses he can reduce. The Court agrees.

The Court thus will grant defendant's request, but only for six (6) months from today. Before asking for any reduction from a sum of 10% of defendant's gross monthly income, defendant shall meet with P.O. Kanaley to discuss his expenses, and shall request a hearing with the Court thereafter.

SO ORDERED, N.Y., N.Y.

Kimba M. Wood

KIMBA M. WOOD
U.S.D.J.

10/31/08